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ECF 1:07-cv-06915

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
TRAVELERS CASUALTY AND SURETY COMPANY, etc.,  
Plaintiff,

07-CV-6915-DLC

- - against - -  
DORMITORY AUTHORITY - STATE OF NEW YORK,  
et al.,  
Defendants.

-----X  
DORMITORY AUTHORITY OF THE STATE OF  
NEW YORK, et ano.,

Answer  
to  
Cross-Claim

Third-Party Plaintiffs,

- - against - -  
TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

-----X  
TRATAROS CONSTRUCTION INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

- - against - -  
CAROLINA CASUALTY INSURANCE COMPANY,  
et al.,

Fourth-Party Defendants.

-----X

**Carolina Casualty Insurance Company** ("Carolina") answers the cross-claims set forth in the January 25, 2008, answering pleading of **National Union Insurance Company** ("National Union") as follows:

**First** National Union fails to state any claim against Carolina upon which relief can be granted. Its cross-claim against Carolina is legally insufficient in that, among other gaps, National Union does not (and could not honestly) allege

- That National Union qualifies as a claimant under the surety bond Carolina gave as surety for Crocetti; and
- That National Union duly and timely complied with the notice and time-of-suit and other conditions precedent set forth in that surety bond; or
- That Carolina undertook any duties with respect to the work or materials for the subject construction project such as could be a basis for National Union's claims, which are for "negligence", "warranty", and the like.

**Second** In response to the allegations National Union does make (insufficient though they are), Carolina denies the damages complained of were caused by any negligence or other culpable conduct on the part of Carolina.

Dated: New York, NY  
February 5, 2008

For Fourth-Party Defendant  
Carolina Casualty  
Insurance Company

ZICHELO & McINTYRE, LLP

By: /s/ Vincent J. Zichello  
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